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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,036	08/07/2001	David S. Puente	CY-Y0081	1462

41339 7590 11/16/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/924,036</td><td>Applicant(s)
PUENTE ET AL.</td></tr>
<tr><td>Examiner
Harun M. Yimam</td><td>Art Unit
2611</td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08/22/2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 08/22/05 with respect to claims 1-5 have been fully considered but they are not persuasive.

2.   In response to applicant's argument (page 4, 5th paragraph) that Burns does not teach a content processing center, the cited content processing server (content server 52 in figure 2 in Burns) is for processing media content (as shown by Burns in column 5, line 66 – column 6, line 7 and column 9, line 35-48, wherein the retrieval and transmission of content to the cache server requires the content to be processed, this is a fundamental aspect of computing devices, as acting on data is to process it) and serves the media content in the form of video, audio, and text (column 5, line 66 – column 6, line 1).

3.   In response to applicant's argument (page 4, 5th paragraph) that Burns does not teach a content processing center coupled for receiving the media content from the source of the media content and for processing the received media content to generate a streaming media presentation system, the Examiner would like to point out that Lumley discloses the source of media content (14 in figure 1 and column 4, line 66 – column 5, line 18) comprising video, audio, and textual content (column 5, lines 34-35)

for distributing various promotional materials to multiple users (column 5, lines 19-35).

It is Burns who discloses the content processing center (content server—52 in figure 2)

for processing media content (column 5, line 66 – column 6, line 7 and column 9, line

35-48, as described above) and serves the media content in the form of video, audio,

and text (column 5, line 66 – column 6, line 1) to generate a streaming media

presentation comprising integrated static HTML pages (since the content server

multicasts HTML pages, it inherently generates the plural HTML pages—column 6, lines

1-7) and encoded video, audio, (the media content, including audio and video data

associated with the HTML pages, column 9, lines 45-48, has to inherently be

formatted/encoded for suitable transmission) and metadata (hyperlinks for hypermedia

document to various data items, such as video and audio—column 6, lines 1-7 and

column 9, lines 42-50).

4.   In response to applicant's argument (page 5, 1st paragraph) that Burns does not

teach, suggest or imply generating a streaming media presentation comprising

integrated static HTML pages and encoded video, audio, and metadata, the Examiner

cites column 6, lines 1-7, wherein Burns inherently discloses generating a streaming

media presentation comprising integrated static HTML pages by disclosing that the

content server multicasts HTML pages. Burns further discloses that the content

processing center (content server—52 in figure 2) serves the media content in the form

of video, audio, and text (column 5, line 66 – column 6, line 1), wherein the HTML pages

are also stream along with associated audio and video content (said content is then

stored in CMS 126, as stated in column 9, lines 45-58 and lines 56-65).

5.   In response to applicant's argument (page 5, 2nd paragraph) that Burns does not

teach, suggest or imply a satellite for transmitting the streaming media presentation,

applicant should note that network (54) is a high bandwidth network (col. Lines 16-19)

that is connected to the content server (52) that provides audio, video and other

multimedia (col. 5, lines 65 – col. 6, line 2). Furthermore, network (54) might be

implemented as satellite (col. 6, lines 22-27). Therefore, network (54) is a satellite for

transmitting streaming media presentation as required by the claim.

6.   In response to applicant's argument (page 5, 4th paragraph) that Burns does not

teach, suggest or imply a cache server for receiving and storing the transmitted

streaming media presentation, the Examiner cites column 6, lines 56-65, wherein Burns

discloses a cache server (72 in figure 2) having a storage 78 in figure 2 and caches

internet resources/media presentation requested by the subscribers (col. 9, lines 56-65).

7.   In response to applicant's argument (page 4, 5th paragraph) that Burns does not

teach, suggest or imply one or more client computers coupled to the cache server that

each comprise browser software for accessing the streaming media presentation, the

Examiner cites column 6, lines 48-65, wherein Burns discloses one or more client

computers (58 and 60 in figure 2) coupled to the cache server (connected to the ISP 56,

which comprises the cache server—column 6, lines 48-50) each inherently comprising a

browser software (column 8, lines 5-15) for accessing the streaming media

presentation, because a browser is used for accessing information from a web page.

8.   In response to applicant's argument (page 6, 3rd paragraph) that Lumley does not

teach, suggest or imply a source of media content comprising video, audio, and textual

content, the Examiner cites column 5, lines 1-18, wherein Lumley discloses a source of

media content (promotional material data source—14 in figure 1) comprising video,

audio, and textual content (promotional material includes any desired combination of

text, graphics, audio, and video—column 5, lines 34-35).

9.   In response to applicant's argument (page 6, 4th paragraph) that there is no

suggestion to combine Burns with Lumely, the examiner recognizes that obviousness

can only be established by combining or modifying the teachings of the prior art to

produce the claimed invention where there is some teaching, suggestion, or motivation

to do so found either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed.

Cir. 1992). In this case, the cited benefit of distributing various promotional materials to

multiple users is expressly recited in Lumely, see column 5, lines 19-35.

10.   In response to applicant's argument (page 7, 5th paragraph) that Omoigui does

not teach, suggest or imply a searchable streaming media presentation using metadata

integrated with video and audio, the Examiner cites paragraph 22, lines 1-7, wherein

Omoigui discloses a streaming media presentation (paragraph 19, lines 1-7) that is

searchable using the metadata (descriptive presentation information) integrated with the

video and audio (paragraph 22, lines 1-7) for the benefit of searching for a particular

media presentation (paragraph 22, lines 5-7).

11.   In response to applicant's argument (page 7, 6th paragraph) that there is no

suggestion to combine Omoigui with Burns and Lumely, the examiner recognizes that

obviousness can only be established by combining or modifying the teachings of the

prior art to produce the claimed invention where there is some teaching, suggestion, or

motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed.

Cir. 1992). In this case, the cited benefit of searching for a particular media

presentation as expressly recited in Omoigui, see paragraph 22, lines 5-7.

12.   In response to applicant's argument (page 8, 1st paragraph) that Omoigui does

not appear to be an effective reference since it is a publication based on an earlier filed

patent application which apparently has not been published or granted, see MPEP

2163.02, which describes office policy regarding the applicability of pre-grant

publications as prior art. Furthermore, as stated in the MPEP 2163.02 "It is the earliest

effective U.S. filing date (which will include certain international filing dates) of the U.S.

patent or application publication being relied on as the critical reference date..." It is the

earliest effective US filing date of the Omoigui publication upon which the office relies

upon as the effective date of the publication.

13.   In response to applicant's argument (page 9, 1st paragraph) that Nagai does not

teach, suggest or imply converting the dynamic HTML page into a static HTML page,

the Examiner cites column 7, lines 50-52, wherein Nagai discloses converting dynamic

contents into a static HTML page (obtain a static HTML content from dynamic

contents—column 7, lines 50-52). The dynamic contents of Nagai constitute at least

one dynamic HTML page in that an HTML page is a set of HTML contents. Since Nagai

discloses that a set of HTML contents are converted to a set of static HTML contents,

Nagai clearly discloses converting a dynamic HTML page into a static HTML page.

14.   In response to applicant's argument (page 9, 1st paragraph) that there is no

suggestion to combine Burns and Nagai, the examiner recognizes that obviousness can

only be established by combining or modifying the teachings of the prior art to produce

the claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

the cited benefit of generating a static digest/summary of a multimedia from a plurality of

media data as expressly recited in Nagai, see column 6, lines 39-43 and column 7, lines

50-52.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burns

(US 5,991,306) and in view of Lumley (US 6,588,013).

Considering claim 1, Burns discloses a streaming media publishing system

(figure 2) comprising: a content processing center (content server—52 in figures 2) for

processing the media content (column 5, line 66 – column 6, line 7 and column 9, line

35-48) to generate a streaming media presentation comprising integrated static HTML

pages (since the content server multicasts HTML pages, it inherently generates the

HTML pages—column 6, lines 1-7) and encoded video, audio, (the media content has

to inherently be formatted/encoded for suitable transmission) and metadata (hyperlinks

for hypermedia document to various data items, such as video and audio—column 6,

lines 1-7 and column 9, lines 42-50); a satellite for transmitting the streaming media presentation (54 in figure 1 and column 6, lines 22-25); a cache server (72 figure 2) for receiving and storing the transmitted streaming media presentation (column 6, lines 56-65); client personal computers (58 and 60 in figure 2) coupled to the cache server comprising browser software for accessing the streaming media presentation stored on the cache server and displaying the streaming media presentation (column 6, lines 48-55).

Burns further discloses that the processing center (52 in figure 6) serves content in the form of video, audio, and text (column 5, line 66 – column 6, line 1). However, Burns fails to specifically disclose a particular source for the media content.

In analogous art, Lumley discloses a source of media content (14 in figure 1 and column 4, line 66 – column 5, line 18) comprising video, audio, and textual content (column 5, lines 34-35) for distributing various promotional materials to multiple users (column 5, lines 19-35).

It would have been obvious to one of ordinary skill in the art to modify Burns' system to include a source of media content, as taught by Lumley, for the benefit of distributing various promotional materials to multiple users (column 5, lines 19-35).

3.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burns

(US 5,991,306) in view of Lumley (US 6,588,013) as applied to claim 1 above, and

further in view of Omoigui (US 2005/0076378).

As for claim 2, Burns and Lumley disclose a streaming media publishing system.

Burns and Lumley fail to disclose that the streaming media presentation is

searchable using the metadata integrated with the video and audio.

In analogous art, Omoigui discloses that the streaming media presentation

(paragraph 19, lines 1-7) is searchable using the metadata (descriptive presentation

information) integrated with the video and audio (paragraph 22, lines 1-7) for the benefit

of searching for a particular media presentation (paragraph 22, lines 5-7).

It would have been obvious to one of ordinary skill in the art to modify the

combined system of Burns and Lumley to include searchable streaming media

presentation using metadata, as taught by Omoigui, for the benefit of searching for a

particular media presentation (paragraph 22, lines 5-7).

4.   Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Burns (US 5,991,306) in view of Nagai (US 6,795,092).

With regards to claim 3, Burns discloses a streaming media publishing method

(figure 2) comprising the steps of: selectively processing graphics and text associated

with a streaming media presentation to create a dynamic hypertext markup language

(HTML) page (column 5, line 66 – column 6, line 7) corresponding thereto; processing

video and audio (column 5, line 66 – column 6, line 1) to extract metadata associated

with the presentation (hyperlinks for hypermedia document to various data items, such

as video and audio—column 6, lines 1-7 and column 9, lines 42-50); encoding the

video, audio, and metadata in a predetermined format (the media content has to

inherently be formatted/encoded for suitable transmission); integrating static HTML

page with encoded video, audio, and metadata (since the content server multicasts

HTML pages: web pages, that links text, audio, and video, and the media content has to

inherently be formatted/encoded for suitable transmission, the HTML page is inherently

integrated with the streaming media before multicasting—column 5, line 66 – column 6,

line 7); transmitting the streaming media presentation comprising the integrated static

HTML page and encoded video, audio, and metadata to a remotely located cache

server where it is stored (column 6, lines 22-25 and 56-65); accessing and viewing the

streaming media presentation using web browser software disposed on a personal

computer coupled to the cache server (column 6, lines 1-7 and 48-65).

Burns fails to disclose converting the dynamic HTML page into a static HTML

page.

In analogous art, Nagai discloses converting the dynamic HTML page into a

static HTML page for the benefit of generating a static digest/summary of a multimedia from a plurality of media data (column 6, lines 39-43 and column 7, lines 50-52).

It would have been obvious to one of ordinary skill in the art to modify Burns' method to include converting the dynamic HTML page into a static HTML page, as taught by Nagai, for the benefit of generating a static digest/summary of a multimedia from a plurality of media data (column 6, lines 39-43 and column 7, lines 50-52).

Regarding claim 4, Burns and Nagai meet the claimed limitation. In particular, Burns discloses that streaming media presentation is transmitted over a satellite link (54 in figure 1 and column 6, lines 22-25).

5.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 5,991,306) in view of Nagai (US 6,795,092) as applied to claim 3 above, and further in view of Omoigui (US 2005/0076378).

As for claim 5, Burns and Nagai disclose a streaming media publishing system. Burns and Nagai fail to disclose that the streaming media presentation is searchable using the metadata integrated with the video and audio.

In analogous art, Omoigui discloses that the streaming media presentation (paragraph 19, lines 1-7) is searchable using the metadata (descriptive presentation

information) for the benefit of searching for a particular media presentation (paragraph

22, lines 5-7).

It would have been obvious to one of ordinary skill in the art to modify the

combined method of Burns and Nagai to include searchable streaming media

presentation using metadata, as taught by Omoigui, for the benefit of searching for a

particular media presentation (paragraph 22, lines 5-7).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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